

PRACTICE DIRECTION – ISSUED BY THE CHIEF JUDGE OF THE FCT
HON. JUSTICE L.H. GUMMI OFR ON THE 1ST OF JANUARY 2013

PRACTICE DIRECTION

1. APPLICABILITY

- a. This Practice Direction shall, save to the extent and as may otherwise be ordered by the Honorable Chief Judge, apply to cases bothering on:
 - i. Kidnapping, rape, corruption and money laundering.

2. OBJECTIVE AND GUIDING PRINCIPLES

- a. The purpose of this Practice Direction is to establish, a system of case management that will provide for the fair and impartial administration of criminal cases and the rules made under this practice direction shall be construed and applied to eliminate unnecessary delay and expense for all parties involved in the court justice system.
- b. The rules made under this practice direction shall apply to criminal cases and to the extent possible;
 - i. Ensure that at trials the parties focus on matters which are genuinely in issue.
 - ii. Minimise the time spent at trials dealing with interlocutory matters.
 - iii. Ensure that the possibility of settlement is explored before the parties go into hearing.

- iv. Ensure that hearings are not stalled by unpreparedness of the court or the parties and that the case is fully ready for trial before hearing dates are agreed.
- v. Minimise undue adjournments and delays.

3. APPLICATIONS TO PREFER A CHARGE

- a. In all applications seeking the leave of Court to Prefer a Charge made by either the EFCC or the ICPC or any other agency charged with the prosecution of cases covered by this Practice Direction, a court may not hear the application until the accused person is brought physically before the court;
- b. The hearing of the application whether made ex-parte or on notice must be considered in open Court;
- c. The application for leave to prefer a charge must be accompanied by an affidavit stating that all investigations into the matter had been concluded and in the opinion of the prosecutor a prima facie case exists against the accused person;

4. PRE - HEARING PROTOCOLS

- a. In a criminal trial where leave is granted and after arraignment, cases shall be set down for pre-trial hearing by the court within fourteen (14) days of the arraignment. The court shall fix and communicate to the parties a date for a pre-trial hearing where all issues of preliminary objections, admissibility of evidence and any other question of law relating to the case will be taken and dispensed with.

- b. The court shall within seven (7) days of the last pre-trial hearing (where more than one is held) deliver a composite ruling on all applications made during the pre-hearing conferences.
- c. No application which should have been taken at the pre-trial hearing stage shall be entertained during the hearing except where the court is of the opinion that the facts and circumstances of the application are such that did not exist at the time of the pre-hearing;
PROVIDED that, all preliminary objections challenging the jurisdiction of a court to hear a case, if not raised at the pre-trial hearings, may form part of the parties' final address;
- d. At the end of the pre-trial hearing, the court may issue orders and directives which may include timelines for hearing, incorporating;
 - i. the number of witnesses to be called by each party
 - ii. the time required by each party to present its case and defend the case against it
 - iii. specific days and time when the case will be heard
 - iv. Expected duration of the trial including when judgement will be delivered.
 - v. And such orders and directives that in the opinion of the court would facilitate an expeditious determination of the matter.

5. HEARING

- a. The hearing of cases shall be scheduled on a day to day basis as far as the schedule of the court may permit and priority given to all cases prosecuted by the EFCC, ICPC or cases initiated under any law dealing with corruption, money laundering or trials affecting politically exposed

persons. Courts shall continue to accord priority to these cases until judgement is delivered and all witnesses must be present in court on all such days until their evidence is heard.

- b. The court and the parties must prevent unwarranted and unnecessary delays and accordingly, not more than two adjournments shall be granted to any party to an action covered by the provisions of this practice direction. **PROVIDED** that no application for adjournment shall be entertained on a day fixed for hearing.
- c. Where expedient and in furtherance of the objectives of this practice direction the court may schedule the time and date of hearings to fall on such days and at such times as may be convenient.
- d. the prosecution has a duty to ensure that the accused person is present in court at all hearings. The prosecution shall equally ensure that such court appearance does not coincide with any other date before another court.
- e. No party shall serve a notice of an application on another party on the date scheduled for hearing.
- f. Counsel shall ensure that they are present in court and ready to proceed with their case at all times. In the event that this proves to be impracticable by reason of ill health or any other unavoidable incidences, such counsel shall ensure that a counsel of requisite

professional experience and knowledge of the issues before the court(as is required to diligently prosecute or defend the case), is present in court and ready to proceed with the case in his stead;

- g. In furtherance of the need to ensure speedy dispensation of justice, Electronic mail and other electronic means may be employed by the court in order to inform counsel of urgent court case events. Hence counsel is expected to furnish the Court Registrar with primary and secondary phone numbers and email addresses; **PROVIDED** such a notice is given at least Forty-Eight (48) Hours before the Scheduled Court date.
- h. The judge must ensure that counsel conduct the business of the court with professional decorum and stringently avoid any act which is either an abuse of the justice system or is aimed at truncating the course of justice;
- i. Counsel who may wish to make a petition against a judge must first inform the Chief Judge, in writing, of the allegations against the judge concerned and in investigating a petition made against a Judge, the Judge must also work to ensure that petitions do not create a *de facto* stay of proceedings.

6. DUTIES OF THE PROSECUTION

- i. To serve copies of the statement of evidence and documentary exhibits upon the court and defence timeously;
- ii. To provide a written case summary on the evidence as it presently stands;
- iii. To specify what further evidence is to come, and how long that evidence will take to be served on the court and the defence.

7. DUTIES OF THE DEFENCE

- i. Specify in writing the defence being raised;
- ii. Specify in writing those aspects of the prosecution case which are agreed;
- iii. Specify in writing those aspects of the prosecution's case which is in dispute;
- iv. Specify in writing which witnesses are required for cross examination and why.

8. COURT DIRECTIONS

- i. Fixing the date for trial, including a time estimate agreed by the parties and in the absence of an agreement the court may make its own assessment of the time estimate based upon information already provided by the parties.
- ii. Fixing any future interim date to ensure that the parties are complying with court-ordered directions

9. COMMENCEMENT

The directives herein contained shall take effect from the 1st of February 2013

.....

Hon. Justice L.H. Gummi OFR

Chief judge, High Court of the FCT